

From: Melanie Huff
To: lela.dean@yahoo.com
CC: Elections Internet
BCC: Ashley Fischer; Elec Legal
Sent: 8/21/2013 4:19:25 PM
Subject: Tax Ratification Election - Bellville ISD
Attachments: Election Contests.doc; IDs for Voting in Texas.pptx; Notice to Provisional Voter.docx

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Lela,

We understand that Bellville ISD (located entirely within Austin County) is having a tax ratification election. We understand that early voting started today, which suggests to us that your election day is Saturday, September 7, 2013. You have asked two questions:

1. Approximately 12 people voted before it was realized that the photo ID requirements of Senate Bill 14 (enacted in 2011, but implemented June 25, 2013 following the United States Supreme Court decision in *Shelby County, Alabama v. Holder*) were in effect. Should the ISD attempt to obtain photo IDs from these voters? Our advice is "no." Those people have voted; their ballots are in the box. We suggest that nothing further be done about them. It is possible that after the election, a registered voter of the school district who is unhappy with the election result may bring an election contest under Chapter 233 of the Election Code in district court. Such a suit must be commenced no later than 30 days after the canvass. The scope of an election contest is set forth in Section 221.003 of the Election Code, printed below. We have attached an outline on Election Contests. Should you need further clarification on these matters, we suggest you speak with the attorney for the school district.
2. Do you have all the necessary information you need to implement the provisions of Senate Bill 14 in this election?
 - (a) An explanation of the new ID voting laws can be found here, including a brief synopsis of polling place procedures: <http://votetexas.gov/register-to-vote/need-id/>.
 - (b) We have attached a power point that shows what the acceptable photo IDs look like. (Many people have never seen a citizenship certificate, a concealed handgun license, or the new DPS Election Identification Certificate.)
 - (c) New election forms can be found here, under the "Photo ID Info" button: <http://www.sos.state.tx.us/elections/index.shtml>.
 - (d) We understand that school districts are reluctant to put information on their websites relative to elections because of Section 11.169 of the Education Code. However, you may wish to speak with the attorney for your school district to see if it would be advisable to put information, such as the press release under the "Photo ID Info" button described in (c), on your website to bring your voters up to speed on the issue.
 - (e) Mr. Marcus Pena is the Austin County Tax Assessor-Collector and serves as both the county election officer and the voter registrar. He probably attended our annual seminar for county election officials on July 29-31, and received information on Photo ID. You may wish to speak with him, especially concerning the fact that if there are provisional voters in your election, he will be needing to review the Provisional Ballot Affidavit Envelopes.
 - (f) If you have any voters who vote provisionally because of ID issues, they will need to receive the attached Notice to Provisional Voter.
 - (g) We have a power point on Election Day Procedures, which discusses Photo ID starting at slide 4 and going through slide 24, <http://www.sos.state.tx.us/elections/laws/seminars/speakers/index.shtml>.

We hope this information helps. Don't hesitate to contact us if we can provide further help.

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The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

Sec. 221.003. SCOPE OF INQUIRY. (a) The tribunal hearing an election contest shall attempt to ascertain whether the outcome of the contested election, as shown by the final canvass, is not the true outcome because:

- (1) illegal votes were counted; or
- (2) an election officer or other person officially involved in the administration of the election:
 - (A) prevented eligible voters from voting;
 - (B) failed to count legal votes; or
 - (C) engaged in other fraud or illegal conduct or made a mistake.
- (b) In this title, "illegal vote" means a vote that is not legally countable.
- (c) This section does not limit a provision of this code or another statute expanding the scope of inquiry in an election contest.